

FILED  
JULY 9, 2003  
PM 3:03

LOUISE S. WILSON  
CLERK  
DEPUTY

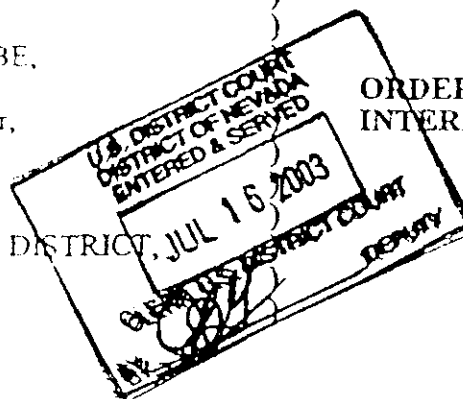
IN EQUITY NO. C-125  
SUBFILE NO. C-125-B

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,



ORDER - DISCLAIMER OF  
INTEREST

The following background information is provided to aid in understanding the reasons for and what is required by this Order:

1. The Court has ordered that certain persons and entities be included as parties in this action because they own water rights within one or more of the nine categories set forth in Paragraph 3 of the Court's April 18, 2000 Case Management Order.

2. It is possible that some of the specific persons or entities who are served with a Waiver of Service of Notice in Lieu of Summons, Notice of Lawsuit, or a Notice in Lieu of Summons do not belong in this action, because, for example, they may have sold or otherwise conveyed the ownership of all water rights subject to this action prior to being served.

3. A change in ownership of a water right can occur in a number of ways and for a variety of reasons. Often a change in ownership of a water right occurs when ownership of the land on which the water is used changes. A change in ownership may involve a sale, a gift, a death or even a divorce. It may also involve estate or business planning decisions, such as conveyance to an inter vivos trust or a limited liability company. Frequently, changes in ownership are accomplished by a deed. However, in an estate or divorce proceeding, they may be accomplished by an order of a court. These examples are not an exclusive list of all of the

ways in which a change in ownership may occur.

4. It is important that the Court and the Plaintiffs be notified if a person or entity who receives service by mail or personal service does not, in fact, have any ownership interest in a water right in any of the nine categories set forth in Paragraph 3 of the Court's April 18, 2000 Case Management Order. In addition, that person or entity need not be burdened with this litigation and, if there was a change in ownership, a new party may need to be added to the action. Before any such person may be omitted from this action, certain information and documents will have to be provided to the Plaintiffs and the Court.

Based upon the foregoing, it is hereby ORDERED as follows:

1. If any person or entity receiving service by mail or personal service has no interest in any water right within any of the nine categories set forth in Paragraph 3 of the *Case Management Order* (Apr. 18, 2000)<sup>1</sup>, that person or entity shall notify the Court and the

You should review the *Case Management Order* and *First Amended Counterclaims* filed by the United States and by the Walker River Paiute Tribe, which are included in the materials served upon you. For convenience, the nine categories of persons and entities that the Court has ordered to be served and named are listed here:

1. Category 3.a.: The successors in interest to all water rights holders under the Decree (April 14, 1936), modified, Order of Entry of Amended Final Decree to Conform to Writ of Mandate, Etc. (April 24, 1940) ("Decree").
2. Category 3.b.: All holders of surface water rights under the laws of the States of Nevada and California in the Walker River Basin who are not presently parties to this adjudication.
3. Category 3.c.: All holders of permits or certificates to pump groundwater issued by the State of Nevada and domestic users of groundwater within Sub Basins 107 (Smith Valley), 108 (Mason Valley), 110A (Schurz Subarea of the Walker Lake Valley), and 110B (Walker Lake Subarea of the Walker Lake Valley).
4. Category 3.d.: All holders of permits or certificates to pump groundwater issued by the State of Nevada within Sub Basins 106 (Antelope Valley), 109 (East Walker), and 110C (Whiskey Flat-Hawthorne Subarea of Walker Lake Groundwater Basin).
5. Category 3.e.: All users of groundwater for irrigation in California in the Walker River Basin.

1 United States in writing of that fact.

2       2. If such person or entity sold or otherwise conveyed ownership of all of the water  
3 rights that the person or entity once owned before they were served or otherwise brought into  
4 this action, in addition to disclaiming any interest in this action, they shall include a notice  
5 providing the following information:

- 6           A. The name and address of the person or entity who sold or otherwise  
7 conveyed ownership;  
8           B. The name and address of each person or entity who acquired ownership;  
9 and  
10          C. A copy of the deed, court order or other document by which the change  
11 in ownership was accomplished.

12       3. The disclaimer and notice shall be sent to the Court and counsel for the United  
13 States, addressed as follows:

14                   Linda Lea Sharer, Chief Deputy Clerk  
15 United States District Court for the District of Nevada  
16 400 South Virginia Street, Suite 301  
17 Reno, NV 895501

18                   Susan L. Schneider  
19 United States Department of Justice  
20 P.O. Box 756  
21 Littleton, CO 80160

22       4. The form and substance of the disclaimer and notice shall substantially conform  
23 to the form attached to this Order as Exhibit A.

24       5. Following their receipt from any person or entity disclaiming any interest in any

25                   6. Category 3.f.: All holders of "vested rights" to the use of groundwater under the laws  
26 of the State of Nevada within the Walker River Basin.

27                   7. Category 3.g.: All municipal providers in Nevada within the Walker River Basin  
28 who currently use groundwater.

                  8. Category 3.h.: All municipal providers in California within the Walker River Basin  
who currently use groundwater.

                  9. Category 3.i.: All industrial users in Nevada within the Walker River Basin who  
currently use groundwater.

1 of the water rights at issue in this case of a Waiver of Service of Notice in Lieu of Summons  
2 and any Disclaimers of Interest and accompanying information and documents sought by this  
3 Order, Plaintiffs will review the materials received and, if appropriate, seek the Court's  
4 concurrence in omitting that person or entity filing such materials from this case.

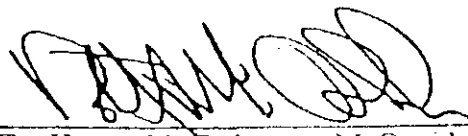
5 6. If Plaintiffs do not receive a Waiver of Service of Notice in Lieu of Summons  
6 and must personally serve a person or entity that subsequently files a Disclaimer of Interest  
7 pursuant to this Order, Plaintiffs will also review the materials received and, if appropriate,  
8 seek the Court's concurrence in omitting the person or entity from this case, but that person or  
9 entity may be subject to paying the costs related to formal personal service on them.

10 7. Despite the above provisions, any person or entity who files a Disclaimer of  
11 Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently,  
12 any person or entity who files a Disclaimer of Interest, but, in fact, has water rights subject to  
13 this litigation, shall nevertheless be bound by the results of this litigation.

14 8. Any person or entity subject to service under the Federal Rules of Civil  
15 Procedure who receives notice of this action in the manner provided by Federal Rule of Civil  
16 Procedure 4(d) remains subject to the duty to avoid unnecessary costs of serving the summons,  
17 even if that person or entity ultimately disclaims any ownership interest in any of the water  
18 rights described by Paragraph 3 of the Court's April 18, 2000 Case Management Order.

19 IT IS SO ORDERED:

20 Dated July 9, 2003.

21  
22   
23 The Honorable Robert A. McQuaid, Jr.  
24 United States District Court Magistrate Judge  
25  
26  
27  
28

1 water rights that the undersigned (for the entity on whose behalf the undersigned is acting) once  
2 owned before the undersigned was served with a Waiver of Service of Notice in Lieu of  
3 Summons or by a Notice in Lieu of Summons, the undersigned provides the following  
4 additional information:

5 1. The name and address of the party or parties who sold or otherwise conveyed  
6 ownership.

7 Name(s): BAY INVESTMENT PROPERTIES LLC

8  
9 Street or P.O. Box: 1080 CANAL DRIVE

10  
11 Town or City: GARRETTVILLE, IN

12  
13 State: IN

14  
15 Zip Code: 46410

16  
17 2. The name and address of each person or entity who acquired ownership

18  
19 Name(s): BELL, MARK R.  
20 FERNANDEZ, JANET

21 Street or P.O. Box: 4609 DOWNING CT

22  
23 Town or City: GRANITE BAY

24  
25 State: CA

26  
27 Zip Code: 95746  
28

3. Attached to or included with this notice is a copy of the (check appropriate box(es)):

- ☐ Deed  
☐ Court Order  
☒ Other Document.

I never had a water  
right to this property  
once we built SR any  
water ~~right~~ I had would go  
to Lyon County  
Dedication of water any  
right to Lyon County  
new construction (well)

by which the change in ownership was accomplished.

4. The undersigned acknowledges that any person or entity who files a Disclaimer of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently, the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but, in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of this litigation.

Executed this 20<sup>th</sup> day of MARCH 2007.

  
[signature of counter-defendant]

MARK R Bell  
[name of counter-defendant]

[name, if applicable, of person acting on  
behalf of counter-defendant]

[signature, if applicable, of person acting on  
behalf of Counter-Defendant]

[address]

[telephone number]

**RESOLUTION**

**A RESOLUTION SETTING THE NEW WATER CONSUMPTIVE USE  
PROFILE  
FOR THE DAYTON WATER UTILITY**

RECEIVED

NOV 27 2001

LYON COUNTY UTILITIES

**WHEREAS**, the County of Lyon operates and maintains a Water  
Utility Service Area within the Dayton Valley Ground Water Basin;

**WHEREAS**, customer water use data indicates consumptive use is  
below 1.12 acre-feet per year;

**WHEREAS**, Capital Engineering prepared the Water  
Consumptive Use Profile Study, a comprehensive study of the Dayton Water  
Utility;

**WHEREAS**, on October 11, 2001, the State Department of  
Conservation and Natural Resources, Division of Water Resources (State)  
approved water rights dedication requirements;

**WHEREAS**, the County of Lyon has determined at this time to  
establish common water rights dedication requirements as approved by the State;

**NOW, THEREFORE, BE IT RESOLVED,**

That beginning November 16, 2001 the Board of Lyon County Commissioners  
does hereby set the water consumptive use profile dedication for single family  
homes for the Dayton Water Utility as follows:



REQUIRED DEDICATION OF WATER RIGHTS (ACRE-FEET)	LOT SIZE (FEET SQUARED)
0.7	10,000 AND UNDER
0.85	OVER 10,000 AND UP TO 12,000
0.95	OVER 12,000 AND UP TO 16,000
1.12	OVER 16,000

**PASSED, APPROVED AND ADOPTED** this 15th day of November,

2001 by the following vote of the Lyon County Board of Commissioners:

AYES: Fulstone, Goodman, Hillyard, Hunewill, Milz

NAYES: 0

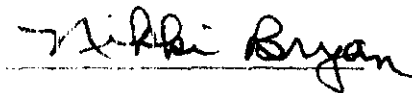
ABESENT: 0

ABSTENTIONS: 0

BOARD OF LYON COUNTY  
COMMISSIONERS

  
By: Chairman

Attest:



County Clerk

**LYON COUNTY**  
**BUILDING PERMIT**  
PERMIT SHALL EXPIRE BY LIMITATION IF WORK  
AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS

Mark Bell

92 Hawk View Road, Wellington

10-191-15

DATE 2/10/2006

Jerry Olsen Construction

Residence/Garage

Class. 2-3/U Flood Zone C-0475 B

Set Backs: F	S	10	R	20
100	100	100	100	100

Block \_\_\_\_\_, Sub 12-11-23 FR W2 SE4 PAR B  
 The card must be kept in a conspicuous place on or in the building readily available to County Inspectors. Inspection must be called for and made by Sec. 109 of the Building Code.

**IMPORTANT NOTICE**

**T SHALL EXPIRE BY LIMITATION IF WORK IS SUSPENDED  
ANDONED FOR A PERIOD OF 180 DAYS AFTER WORK IS  
FINCED. (ONE 180 DAY EXTENSION ALLOWED)**

**INSPECTION RECORD**  
**TELEPHONE 463-6591, 577-5035**

FOOTING	DATE	INSPECTOR	REMARKS
Stemwall	2-14-06	1082 PM	
Slab or Underfloor	2-17-06	1082 PM	
	2-27-06	1082 PM	
*A* Flood zones require elevation certificate for lowest floor, prior to further inspections per Section 1109 of Building Code			
Roof Sheathing	4-17-06	1082 PM	
Shear Nail	7-10-06	1082 PM	
Shuoco Lath			
Frame, Rough Electric Rough Plumbing, Gas Test	5-2-06	1082 PM	See Excavation
Insulation	5-9-06	1082 PM	All batt hung
Sheetrock	5-16-06	1082 PM	
Wood Glue/GAS	8-3-06	1082 PM	
Septic Tank/Sewer Lateral	6-15-06	1082 PM	Final
Water Lateral	6-15-06	1082 PM	Final
Sewer/Water Final Approval			Utility Co. or GHD approval required prior to final
Local Fire Department			Commercial Permits
Mfg. Home Conversion	3-14-06	1082 PM	
Power - Gas Service	7-27-06	1082 PM	Approved as such for service required

THIS BUILDING SHALL NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE AND CERTIFICATE OF OCCUPANCY ISSUED. THIS CARD WHEN SIGNED CONSTITUTES C. O. FOR SINGLE FAMILY RESIDENCE AND ACCESSORY

## FINAL INSPECTION

Clay Moore

BUILDING INSPECTOR